



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 8048 OF 2018
WITH
WRIT PETITION NO. 2447 OF 2018**

WRIT PETITION NO. 8048 OF 2018

Satyanarayan S/o Sadwali Boge,
Aged about 45 years, Occ.- Nil,
R/o. House No.888, Ward No.4,
Mannewar Square, Sironcha,
District Gadchiroli.

.... **PETITIONER**

// VERSUS //

- 1) **State of Maharashtra,**
through its Secretary, Tribal Welfare &
Social Justice Department, Mantralaya,
Mumbai – 400032.
- 2) **Scheduled Tribe Certificate Scrutiny
Committee, Nagpur Division
Gadchiroli,** through its Member-
Secretary/Joint Commissioner.

.... **RESPONDENTS**

WITH

WRIT PETITION NO. 2447 OF 2018

Kaushik S/o Satyanarayan Boge,
Aged about 21 years, Occ.- Student,
Yeshwantrao Chavan College of
Engineering, 4th Semester,
R/o. Mannewar Colony, Mahakali
Mandir, Sironcha, District Gadchiroli.

.... **PETITIONER**

// **VERSUS** //

- 1) **State of Maharashtra**,
through its Secretary, Tribal Welfare
Development & Social Justice Department,
Mantralaya, Mumbai – 400032.
- 2) **Scheduled Tribe Certificate Scrutiny
Committee, Gadchiroli** through its
Deputy Director/Member-Secretary.
- 3) **Principal**, Yeshwantrao Chavan
College of Engineering, Wanadongri,
Nagpur, through its Principal.

.... **RESPONDENTS**

Mr. N. C. Phadnis, Advocate for Petitioners.
Ms. Kavita Bhondge, Assistant Government Pleader for
Respondents/State.
Mr. N. R. Sengar, Advocate h/f. Mr. P. D. Meghe, Advocate
for Respondent No.3 in Writ Petition No.2447/2018.

CORAM : **MRS. M. S. JAWALKAR AND**
RAJ D. WAKODE, JJ.

DATE ON RESERVING THE JUDGMENT : **06.10.2025**
DATE ON PRONOUNCING THE JUDGMENT : **04.11.2025**

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith.
Matters are taken up for final hearing at the stage of admission
by consent of the parties and at the request of parties.

2. As both the Petitioners are relative, both the Petitions are taken up to decide together by a common judgment.

3. Brief facts of the Writ Petition No.8048/2018 are as under :

4. The Petitioner – Satyanarayan S/o Sadwali Boge, by this petition is challenging the order dated 11/06/2013, passed by the Respondent No.2 Schedule Tribe Caste Certificate Scrutiny Committee, Gadchiroli, thereby invalidating the caste claim of the Petitioner that he belongs to the “Mannewar” Scheduled Tribe.

5. It is the contention of the Petitioner that he belongs to ‘Mannewar’ Scheduled Tribe category. In the year 2015 the Petitioner was desirous of contesting the Nagar Panchayat election from the seat reserved for Scheduled Tribe candidate therefore sent a proposal for verification of tribe claim. The claim of the Petitioner came to be invalidated on 11/06/2013. In view of that the Petitioner contested the Nagar Panchayat election in open category and got elected therefore, the order dated 11/06/2013 was not challenged by the Petitioner

immediately. Subsequently, the claim of the Petitioner's son Kaushik as 'Mannewar' Scheduled Tribe was invalidated and he approached to this Court by filing Writ Petition No.2447/2018 and in that invalidation order a reference has been made and since the challenge raised in the Petition filed by Petitioner's son and the present petition are same and identical, the present petition is filed challenging the order of invalidation of the 'Mannewar' Scheduled Tribe claim.

6. It is further contended that at the time of sending proposal for verification, the Petitioner submitted various documents to the Caste Scrutiny Committee out of which some documents are of pre-constitutional period. The oldest document is a 'Bandobast Misal' of Sironcha for the year 1901-02 in respect of Petitioner's grandfather. On the basis of this oldest entry of 1901-02, the revenue entry was taken and type format of the said is of the year 1921-22. After submitting the proposal, the Caste Scrutiny Committee called a report from Police Vigilance Cell by which the Petitioner submitted his reply to the Vigilance report. The Respondent Caste Scrutiny Committee invalidated the caste claim of the Petitioner on

11/06/2023, the same was served for the first time in August 2015 to the Petitioner, which is under challenged in this Petition.

7. Brief facts of the Writ Petition No.2447/2018 are as under :

8. The Petitioner – Kaushik S/o Satyanarayan Boge, by this petition is challenging the order dated 28/03/2018, passed by the Respondent No.2 Schedule Tribe Caste Certificate Scrutiny Committee, Gadchiroli, thereby invalidating the caste claim of the Petitioner that he belongs to the “Mannewar” Scheduled Tribe. The Petitioner is son of Satyanarayan Boge who is Petitioner in Writ Petition No.8048/2018.

9. It is the contention of the Petitioner that he belongs to ‘Mannewar’ Scheduled Tribe category. The petitioner after completing three years Polytechnic Diploma Course, admitted to Respondent No.3 Yashwantrao Chavan College of Engineering, Wanadongri, Nagpur in the third semester as Engineering Student i.e. in the 2nd year of Engineering course. Since then he is regular student of Respondent No.2 college. The Petitioner forwarded the proposal for tribe verification through

Respondent No.3 college. He has placed on record as many as 17 documents, out of which following are the pre-constitutional period documents :

अ. क.	नाव	उपलब्ध पुरावा	पुराव्यात नमुद जात	पुराव्याचे वर्ष	उमेदवाराशी नाते
1	समलु वल्द भोग येल्लु	बंदोदस्त मिसल	मन्नेवार	1921-22	पंजोबा
2	भेगी समुलू मन्नेपार	जन्म-मृत्यु नोंद	—	30 / 11 / 1936	

10. The Scrutiny Committee called the Police Vigilance Report and the Vigilance Cell submitted its report on 18/07/2017. The Petitioner submitted his detailed reply on 18/08/2017 to the said Vigilance Cell Report and denied the findings of Police Vigilance Cell. The Vigilance Cell procured two documents in respect of cousin grandfather. The document of 1944 showing caste as 'Mannepu' and second document of 1975 showing caste as 'Mannepawar'. The Petitioner submitted the document of year 1921-22 "Bandobast Misal", which is at Page No.38, Annexure-B of the Petition, wherein Samlu wald Bhog Yellu shown as 'Mannewar'. This one is the oldest entry of Mannewar in respect of forefathers of the Petitioner. The name

of Samlu Yellu Boge is appearing in the family tree. The document of 24/11/1936, which is birth and death extract, wherein caste is shown as 'Mannewar'. It is claimed by the Petitioner that on the basis of these documents, he is entitled for validity certificate as belonging to "Mannewar" Scheduled Tribe. The Caste Scrutiny Committee invalidated the claim of the Petitioner on 28/03/2018, which is under challenged in this Petition.

11. The learned Counsel for the Petitioners relied on the following citations :

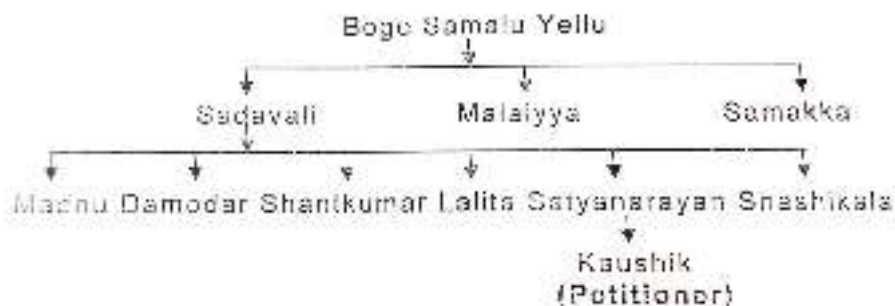
- (i) **Writ Petition No. 5435/2024**, Shri Rajeshwar Rajendra Sonkamble Vs. The State of Maharashtra & Anr., dated 20/09/2025;
- (ii) **Writ Petition No.1212/2019**, Nikhil S/o Sanjay Bodewar Vs. State of Maharashtra, dated 11/03/2025;
- (iii) **Writ Petition No.360/2022**, Surendra Murlidhar Kopulwar Vs. The State of Maharashtra & Ors., dated 19/10/2022;
- (iv) **Writ Petition No.757/2010**, Premraj Ganesh Battul Vs. State of Maharashtra and connected matters, dated 10/08/2010;

- (v) **Writ Petition No.5119/2016**, Manish S/o Bansidhar Panchgam Vs. State of Maharashtra & Ors., dated 10/04/2017 and
- (vi) **Writ Petition No.4432/2003**, Balayya alias Balraj s/o Hiralal Pagade (Pagale) Vs. State of Maharashtra & Ors., dated 04/04/2016.

12. As against this, the learned Assistant Government Pleader Ms. Kavita Bhondge supported the orders passed by the Scrutiny Committee. It is contended that on the basis of evidence placed on record, the Scrutiny Committee was perfectly justified in invalidating the caste claim of the Petitioners. As per Section 8 of the Maharashtra Act No. XXIII of 2001, the burden of proof lies on the Petitioners to prove their claim. The order passed by the Scrutiny Committee is just, proper and correct as per the facts, circumstances on record.

13. Heard both the parties at length. Perused the documents on record and proceeding of Caste Scrutiny Committee with the assistance of learned Assistant Government Pleader and considered the citations relied on by the Petitioners.

14. For the sake of convenience family tree is reproduced as under :



15. There is no dispute that the Petitioner placed on record the pre-constitutional documents such as 1921-22 i.e. Bandobast Misal, wherein entry against Samalu wald Bhog Yellu shown as Mannewar. Similarly the document of 1936, extract of death register of Bhogi Sumulu, caste is shown as Mannewar. The Vigilance Cell procured the documents in respect of Bhogi Sumulu. Admittedly the cousin grandfather who is shown as Mannepu in school record dated 3rd April 1944. The another entry of 1975 is procured in respect of one Boge Damodar Sadwali, wherein entry is shown as Mannepawar. The Caste Scrutiny Committee observed while recording reasoning against the Issue No.1 that the Petitioner produced on record the documents of 1921-22 to 2006 and there is entry of Mannewar

in all these documents. So far as documents of 7/12 extract at Sr. No.9 to 13 produced by the Petitioner is concerned, those are discarded as there was no remark in 7/12 extracts that being the “land of Adiwasi”, its transfer is prohibited.

16. So far as entry of 1921-22 is concerned, in second Vigilance of 2010, the remark is given that they are not in the family of the Petitioner. However, if family tree is perused, father of Samlu Yellu is Boge Yellu. One document is of 1921-22 and one document is of 1901-02. On perusal of family tree, name of Samalu is appearing and his father name as Yellu is also appearing. There is no any discrepancy in the name Boge, his surname and caste is shown as ‘Mannewar’ in the document. The document of 1921-22 is discarded on the ground that father of the Petitioner gave statement to Vigilance Cell on 28/03/2011 that he is unable to show how the person in documents are in relation with him. So far as Mannepawar is concerned, it is the entry of 1979, the document is subsequent to the cut off date.

17. The learned Assistant Government Pleader Ms. Kavita Bhondge drawn our attention to the Roznama (Record page No.151) and contended that as applicant admitted after looking

into the original Death Register that there is difference in handwriting of the entries above and below. The concerned entries in respect of Shamlu Boge and the line spacing is also uneven. The learned Assistant Government Pleader has not placed on record the original Death Register for perusal because the admission in this regard is that there is difference in handwriting in different entries and uneven line spacing. There is no admission about interpolation, scoring or any manipulation in the entry of the concerned person. There is no details about year or month of the said entry. As such, there may be difference in handwriting and uneven line spacing, if the person handling the register is changed. As such, it is not material at all to take into consideration this admission.

18. It is contended by the Petitioners that there is not just the entry in the document of the Petitioners but also there are other entries which shows his forefathers caste as 'Mannewar'.

19. The learned Counsel for the Petitioners relied on **Writ Petition No.5435/2024** (supra), wherein this Court relied on the Judgment in **Writ Petition No.5728/2019** (*Ku. Arya D/o*

Mahendra Swami Vs. The State of Maharashtra & Ors.), dated 23/09/2019, wherein this Court held as under :

*“5. We find that the petitioner has produced several pre-constitutional documents showing entry of ‘Mannewar’ caste. Particularly, petitioner has produced School Leaving Certificate of her cousin grandfather namely Mallanna Ramaiya dated 02.07.1926, School Leaving Certificate of her grandfather - Kumarswami @ Papanna dated 26.09.1935, birth date extract of her great-grandfather-Ramanna dated 22.10.1930. All these document bear the entry of ‘Mannewar’ caste. Though some of the old documents collected by the Vigilance Cell shows the entry of caste as ‘Telangi’, ‘Telgu Mannewar’. These entry merely indicate the language and not caste. The said issue is well covered by the decision of this Court in **Writ Petition No.4316/2017 (Shri Suresh Kumar Balkrishna Naidu Vs. The State of Maharashtra and another)** decided on 04.04.2019. The documents therefore, have to be considered as it indicates that tribe name of ‘Mannewar’ which is entered right from the year 1916. Apart from this, there are other entries subsequent to the year 1950 indicating the caste of the blood relative as ‘Mannewar’.”*

20. The learned Counsel for the Petitioner also placed reliance on **Writ Petition No.1212/2019** (supra), wherein the Petitioner has questioned the order by which claim of the Petitioner for issuance of validity of belonging to ‘Mannewar’ Scheduled Tribe came to be rejected. In the said petition, the

entry of Mannepawar which found to be the basis for rejection of the claim of the Petitioner as that of belonging to Mannewar Scheduled Tribe. The second reason for invalidating the caste claim in the present matter is also Mannepawar and Mannepu entries, and there is no remark in 7/12 extract that it being a tribal land and is prohibited for transfer. This Court observed in the above referred judgment as under :

“7. As regards the available evidence in the form of documents if appreciated, two reasons are recorded by the Committee viz. ‘Mannepawar’ entry recorded in the school record of the grandfather - Lachanna and absence of entry of the tribal land in the revenue record of land owned by the mother of the petitioner – Ushatai.

As regards adverse entry of ‘Mannepawar’ is concerned, when confronted with the learned Assistant Government Pleader as to existence of ‘Mannepawar’ caste, on instructions, he has fairly conceded that there is no caste as ‘Mannepawar’ in any of the statute dealing with the caste.

8. As such, there are consistent entries of ‘Mannewar’ not only in relation to the grandfather of the petitioner but also in relation to the father of the petitioner. As such, the reasons cited by the Committee for rejection of the claim of the petitioner thereby recording a finding that the caste entry in the record of the grandfather of the petitioner is ‘Mannepawar’ would lead to negation of the claim cannot be sustained.

10. We are equally required to be sensitive of the fact that the parties like the petitioner inherits his caste from his father. No doubt, even if the document in relation to his mother is taken into account, in absence of entry of Scheduled Tribe in the revenue record the land can be transferred to non-tribal, cannot be accepted as a basis for negating the claim of the petitioner, particularly when such document is in relation to the mother of the petitioner. The negative finding recorded by the Committee, in our opinion, has no basis in law to infer that the petitioner cannot be said to be belonging to Scheduled Tribe category when relevant rules contemplate that 'blood relation' has to be construed as relation from father's side."

21. The learned Counsel for the Petitioners also placed reliance on Judgment in **Writ Petition No.360/2022** (supra), in this petition, the petitioner was claiming that he belongs to Mannewar Scheduled Tribe, however, the claim was invalidated. The Scrutiny Committee found that in some documents the petitioner's ancestors were shown to be 'Telangi' and some of the documents they were shown to be 'Manewar' and some of the documents as 'Telgu' and 'Telgu Manwar'. This Court in para 3 held as under :

"3. So far as the finding recorded by the Scrutiny Committee that there are confusing entries relating to the paternal side of the petitioner in the pre-

constitutional documents, we are of the view that there is no confusion whatsoever in these entries. All these entries, particularly the entries of the dates of 10-7-1924 and 20-10-1934, clearly show that the paternal aunt and the cousin grandfather of the petitioner belonged to 'Manewar' community, which has been later on declared to be a Scheduled Tribe. In some other pre-constitutional documents, the ancestors of the petitioners have been shown to be 'Telangi' or 'Telgu Manewar' or 'Telgu'. It is well settled that 'Telgani' is the region of which the community 'Manewar' is native, while 'Telgu' is the language spoken by the community 'Manewar', now the Scheduled Tribe. A useful reference in this regard can be made to the view taken by this Court in the case of Shri Anil Ramdas Mede Vs. State of Maharashtra, reported in 2004(4) ALL MR 639. It then follows that all the pre-constitutional documents on which reliance has been placed by the petitioner reasonably and sufficiently support the claim of the petitioner of his belonging to 'Manewar', Scheduled Tribe. This aspect of the matter, vital for determination of the issue involved in this case, has been completely ignored by the Scrutiny Committee and, therefore, the impugned order passed by the Committee is not sustainable in the eye of law."

22. The learned Counsel for the Petitioners also placed reliance on Judgment in **Writ Petition No.757/2010** (supra), in support of his contention that only because there is 'Manewar' instead of 'Mannewar', it cannot be held that the person is not belonging to 'Mannewar' Scheduled Tribe. It is the contention of

the Scrutiny Committee that the document showing the tribe as belonging to 'Manewar' which is different from 'Mannewar', which is a Scheduled Tribe. This Court in para 4 held as under :

“4. We see no merit in this argument since even after opportunities were given the caste scrutiny committee has not been in a position to demonstrate the existence of any caste or tribe called “Manewar”. There seem to be two old documents of 1925 and 1932 which show that the petitioners belong to “Manewar”. We are of the view that the Caste Scrutiny Committee went completely wrong in rejecting these documents on the ground that they show the petitioners belong to non-existing caste “Manewar” and the documents should have been read as belonging to “Mannewar” which is admittedly Scheduled Tribe. It is difficult to understand the observations of the Caste Scrutiny Committee that they can agree with the petitioners only if the documents show “Mannewar” and that if they hold so even if the documents show Manewar they would be interpreting the entry “Mannewar” in the list of the Scheduled Tribes. The Committee has lost sight of the fact that they were construing and appreciating evidence in violation to a document and not interpreting an entry in the list of Scheduled Tribes. The observations of the Caste Scrutiny Committee are entirely irrelevant merely because “Manewar” is not spelt as the name of Scheduled Tribe “Mannewar”; by reading “Manewar” as “Mannewar” the Committee would not have interpreted the entry in Scheduled Tribe but would have read the certificates correctly. ”

23. Similar issue is involved in the **Writ Petition No. 5119/2016** (supra) and similar view is taken by this Court in that judgment.

24. The learned Counsel for the Petitioners also placed reliance on Judgment in **Writ Petition No.4432/2003** (supra). In this matter, it is the contention of the learned Assistant Government Pleader that 'Munnewar Telgu' or 'Munnewar' are different caste recognized as Other Backward Classes in the State of Maharashtra. It is further contended that name of Tribe 'Mannewar' is included at Sr. No.18 of Constitution Scheduled Tribe Order, 1949, with other tribes like Gond, Rajgond, Pradhan appear. Thus, 'Mannewar' must also exhibit affinity with Gond Tribe and held that the petitioner failed to establish any affinity. This Court observed that there is no fault in the document dated 20/06/1924, as noted by the Committee. The document is extract of birth register of Mouza Kumbhari, Taluq and District Akola. The other document is issued by the Municipal Council, Akola, which is certificate of birth registration and said date of birth is mentioned as 08/04/1941. This Court in para 9 held as under :

“9. In Chandrakant Bajirao Shinde .vrs. State of Maharashtra and others (supra), the entry relating to Thakur, Thakar, Ka Thakur, Ka Thakar, Ma Thakur, Ma Thakar has been looked into and the Division Bench has found that the Tribe Thakur, throughout the State of Maharashtra has to be treated as Scheduled Tribe and no enquiry can be held or evidence led to tinker with the Presidential order to find out whether a particular Thakur is covered by Thakur community, included in Entry No.44 of the said Schedule. Other Division Bench in judgment in case of Mahesh Pralhadrao Lad .vrs. State of Maharashtra and others (supra), in paragraph no.9 (2nd) found that the documents whether post or pre-Constitution or Presidential or State Notifications, can be considered along with the oral evidence”.

25. Thus, from the above referred law position, the Petitioners by producing old documents from 1921-22 to 2006, which is admitted by the Scrutiny Committee itself is depicting caste as ‘Mannewar’ in respect of forefathers of the Petitioners. The said documents without any reason are discarded. These are the old documents of pre-constitutional period. Thus, the documents speak of the Petitioners belonging to ‘Mannewar’ Scheduled Tribe. Merely on the basis of affinity test, the claim of the Petitioners cannot be invalidated. As such the Scrutiny Committee completely ignored these documents on which

reliance has been placed by the Petitioners, reasonably and sufficiently established the claim of the Petitioners that they are belonging to 'Mannewar' Scheduled Tribe. The oldest entries are of 'Mannewar'. The family tree is verified by the Vigilance Cell. There are no allegations of tampering, interpolation or manipulation of documents. The Caste Scrutiny Committee has taken into account irrelevant material and ignored the relevant material placed on record and recorded perverse findings. Thus, the orders passed by the Respondent Scrutiny Committee are erroneous, perverse and cannot be sustained in the eyes of law. Hence, same is liable to be quashed and set aside. Accordingly, we proceed to pass following order :

- (i) Both the Writ Petitions are allowed.
- (ii) The impugned order dated 11/06/2013, passed in case No. JC/TCSC/GAD/II-21/33/2010, and order dated 28/03/2018, passed in Case No. सहआ/अजप्रतस/गड/I/50/33/2017, passed by the Respondent No.2 – Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli are hereby quashed and set aside.

- (iii) It is declared that the Petitioners duly established that they belong to “Mannewar” Scheduled Tribe.
- (iv) The Respondent Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli is hereby directed to issue the validity certificates of “Mannewar” Scheduled Tribe to the Petitioners within a period of three weeks.

26. Rule is made absolute in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

Kirtak